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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ST. TIMOTHY'S EPISCOPAL CHURCH, by
and through THE DIOCESE OF OREGON,
DBA THE EPISCOPAL DIOCESE OF
OREGON, an Oregon nonprofit corporation,
and REVEREND JAMES BERNARD
LINDLEY, vicar of St. Timothy's Episcopal
Church,

Case No.: 1:22-cv-00156-CL

ORDER ON DISCOVERY DISPUTE

Plaintiffs,

v.

CITY OF BROOKINGS, an Oregon municipal
government,

Defendant.

This matter came before the Court on Plaintiffs' August 11, 2023, letter motion regarding Defendant's failure to designate and produce an FRCP 30(b)(6) witness on the following topics:

1. The governmental interest(s) that the City contends the Ordinance serves and how the Ordinance serves those governmental interests.
2. The facts, events, and circumstances that led the City to adopt the Ordinance.
3. The legislative process that ended in adoption of the Ordinance, including drafting and all meetings (public, private, and executive) at which City management and/or City Council discussed the Ordinance.
4. Alternatives to the Ordinance that the City considered to achieve the interests that the City contends the Ordinance serves.

("Topic Nos. 1-4").


Defendant submitted a letter response on August 15, 2023, and Plaintiffs submitted a reply on August 16, 2023.

Having reviewed the records and files herein, and being fully advised, the Court hereby ORDERS that Defendant is prohibited from offering as evidence at summary judgment any information—including documents and witness testimony—known or reasonably available to, but not produced by, Defendant that falls within the scope of Topic Nos. 1-4. At this time, the Court will defer an affirmative ruling as to the evidence that will be allowed at trial. Plaintiff may of course renew the issue in a motion in limine should the case proceed to trial, and the Court will not allow Plaintiff to be prejudiced by Defendant's failure to produce any reasonably available information.

Dispositive motions are due October 6, 2023.

IT IS SO ORDERED.

DATED: 9/13/23



Hon. Mark D. Clarke
United States Magistrate Judge